

Derby, Erin Rigney

From: Leonard Bennett [lenbennett@clalegal.com]
Sent: Wednesday, May 11, 2011 5:45 PM
To: Ostroff, Ethan G.
Cc: Matt Erausquin; John C. Bazaz; Lynch, John C.; Brian N. Casey; Vicki Ward
Subject: Re: Wilkes v. Experian et al. - Subpoenas to Trans Union and Experian; Notice of Deposition Amy Fleitas

Send us your proposal. We intend to take the GMAC party deps, plus the 30b6 to which John has already agreed. We also need to authenticate and explain docs with the CRAs. We do not have any flexibility. That is our case. Of course, we accept that both GMAC and Amer Home Funding each can take 5 non party deps.

Re: PO issues - we can agree formally in a letter to retain the docs as confidential if and until we need to use them in SJ or trial. We will not agree to other protection - we do not want to have to go through a delaying sealing process. We will await a substantive production by GMAC. Is a meaningful production in route? (e-mails, memos and bulletins, decoding manuals explaining the internal GMAC document codes (as opposed to documents that list general credit industry codes), the documents that explain the GMAC dispute employee incentives; the documents that explain GMAC's ID Theft and Fraud dispute procedures (you imply that with an ID Theft Affidavit, your client would have corrected). You agreed to produce nearly all of this in our meet and confer.

On May 11, 2011, at 5:16 PM, Ostroff, Ethan G. wrote:

> Hi Len-
> John was unable to call this morning so he asked that I email you and
> inquire if we can have a meet and confer call tomorrow (9am, 12pm, or
> 1pm) about number/scheduling of depositions and the protective order
> issue on the FiServ manual and screenshots from FiServ?
>
> Thanks,
> Ethan
>
> -----Original Message-----
> From: Matt Erausquin [mailto:matt@clalegal.com]
> Sent: Tuesday, May 10, 2011 10:00 PM
> To: Leonard Bennett; John C. Bazaz
> Cc: Ostroff, Ethan G.; Lynch, John C.; Brian N. Casey; Vicki Ward
> Subject: RE: Wilkes v. Experian et al. - Subpoenas to Trans Union and
> Experian; Notice of Deposition Amy Fleitas
>
> John: Please serve Nancy Durey at:
>
> Primary Owner
> (Deed Holder)
> Durey, Michael J & Nancy J
> 2011 267th St
> Manchester, IA 52057-
>

> Thanks,
> Matt
>
>
> _____
> From: Leonard Bennett [lenbennett@clailegal.com]
> Sent: Tuesday, May 10, 2011 9:33 PM
> To: John C. Bazaz
> Cc: Ostroff, Ethan G.; John C. Lynch; Brian N. Casey; Matt Erausquin;
> Vicki Ward
> Subject: Re: Wilkes v. Experian et al. - Subpoenas to Trans Union and
> Experian; Notice of Deposition Amy Fleitas
>
> John B. -
>
> We agreed that we will not depose Knapp.
>
> The remaining witnesses were only discovered when GMAC turned over
> some of its emails. Go ahead and notice them for dates at least two
> weeks out.
>
>
> Here is the work address for Yarnall. I will get you home addresses
> and work as well for the remaining witnesses tomorrow.
>
> Len
>
>
> Joseph YARNALL
>
> Mortgage Servicing and Compliance Executive
>
> 1100 Virginia
Drive<<http://maps.google.com/maps?q=Ally+financial,+fort+washington,+pa&oe=utf-8&rls=org.mozilla:en-US:official&client=firefox-a&um=1&ie=UTF-8&sa=N&hl=en&tab=wl>>
> >
> Fort Washington, PA 19034-
3204<<http://maps.google.com/maps?q=Ally+financial,+fort+washington,+pa&oe=utf-8&rls=org.mozilla:en-US:official&client=firefox-a&um=1&ie=UTF-8&sa=N&hl=en&tab=wl>>
> >
>
> Get Directions<<http://maps.google.com/maps?q=Ally+financial,+fort+washington,+pa&oe=utf-8&rls=org.mozilla:en-US:official&client=firefox-a&um=1&ie=UTF-8&sa=N&hl=en&tab=wl>>
> >
> (215) 283-8760
>
>
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>
>
> On May 10, 2011, at 8:54 PM, John C. Bazaz wrote:
>
> Colleagues:
>
> Please find and review the following documents:
>

> 1. Notice of 30(b)(1) Deposition to Amy Fleitas
> 2. SDT to Experian
> 3. Witness Subpoena to Experian and Notice of Deposition
> 4. SDT to Trans Union
> 5. Witness Subpoena to Trans Union and Notice of Deposition
>
> Hopefully, we will be able to stipulate to the admissibility of the
> documents produced by Trans Union and Experian (as discussed).
>
> I do not know if John Lynch and Len had their meet and confer today
> about depositions. So please forgive me if these matters have been
> resolved. I still want to depose the following people:
>
> * Lynn Manning
>
> * Nancy Durey
>
> * Joseph Yamall
>
> * Peter Knapp
>
> Please provide the location , date and time in which these people
> will be made available. Otherwise, I will be forced to notice them
> at a location, date and time convenient to Plaintiff's counsel.
>
> Contact me if you have any questions or concerns.
>
> Very truly yours,
>
> John
>
> <image001.jpg>
>
> Please do not read, copy or disseminate this communication unless
> you are the intended addressee. This e-mail communication contains
> confidential and/or privileged information intended only for the
> addressee. If you have received this communication in error, please
> call me at 703-272-8455 or e-mail me immediately. Thank you.
>
> From: Lynch, John C.
> Sent: Thursday, May 05, 2011 6:52 PM
> To: John C. Bazaz; Ostroff, Ethan G.; 'Leonard Bennett'
> Cc: 'Brian N. Casey'; Flowers, Elizabeth S.; 'Matt Erausquin';
> 'Vicki Ward'; 'Miguel Eaton'; 'Thorntwaite, Martin'
> Subject: RE: Wilkes v. Experian et al. - Pending Depositions
>
> Hi John,
>
> Per our previous emails, the court's order states you can take 5 non-
> party non-expert depositions without leave of court. We believe that
> 5 non-party depositions have already occurred (2 gmac employees and
> 3 american funding employees). We realize your side disagrees.
>
> Nonetheless, in the spirit of compromise, cooperation, and to avoid
> burdening the court with this issue, we are willing by agreement to
> allow plaintiff to take two more non-party depositions of Peter
> Knapp and Amy Fleitas. Our proposal is conditioned on there being no

> more depositions of GMAC.
>
> Please see below regarding dates/times/locations.
>
> Thank you.
>
> John
>
> From: John C. Bazaz [mailto:jbazaz@bazazlaw.com]
> Sent: Wednesday, May 04, 2011 9:21 AM
> To: Ostroff, Ethan G.; 'Leonard Bennett'; Lynch, John C.
> Cc: 'Brian N. Casey'; Flowers, Elizabeth S.; 'Matt Erausquin';
> 'Vicki Ward'; 'Miguel Eaton'; 'Thornthwaite, Martin'
> Subject: Wilkes v. Experian et al. - Pending Depositions
>
> Colleagues:
>
> We must set deposition locations and dates (you may file motions as
> you like). Please see the below list. I shall assume these dates
> and times are agreeable unless I hear otherwise by the close of
> business this Thursday.
>
> May 11, 2011:
>
> Ms. Alisha Wilkes - My office (Northern VA) at 11:00 a.m. EST
> AGREEABLE
>
> May 13, 2011:
>
> Peter Knapp - Troutman Sanders (VA Beach) at 1:00 p.m. EST AGREEABLE
> BUT DEPOSITION WOULD START AT 10:00am in our firm's DC office. We
> need to know asap if you intend to proceed with this deposition.
> Peter Knapp is our corp. representative and if you will get us the
> topics by tomorrow this could be a Rule 30(b)(6) deposition. As we
> have advised Mr. Knapp's schedule is very full and we moved things
> around and made arrangements for him to come to DC/Va for this
> deposition. If you do not go forward, it will not be easy to
> reschedule.
>
> Juan Aguirre - Troutman Sanders (VA Beach) at 3:00 p.m. EST NOT
> AGREEABLE
>
> May 16, 2011:
>
> Quicken Loans - Law Office (Southfield, MI) at 10:00 a.m. EST
> AGREEABLE
>
> May 17, 2011:
>
> Scott Weible - TBD (Northern VA) at 1:00 p.m. EST. WE WILL CHECK ON
> WITH WITNESS AND REPORT BACK
>
> Victoria Hammonds - TBD (Northern VA) at 3:00 p.m. EST. WE WILL
> CHECK ON WITH WITNESS AND REPORT BACK
>
> May 18, 2011:
>

> Precision Funding - Law Office (Philadelphia, PA) at 10:00 a.m. EST
> WE NEED TO PICK ANOTHER DATE. NEITHER ETHAN NOT I ARE AVAILABLE
>
> May 24, 2011:
>
> Trans Union Custodian of Records TBD, (Fullerton, CA) at 1:00 pm EST
> AGREEABLE
>
> May 30, 2011:
>
> Experian Custodian of Records - Jones Day Office (Dallas, TX) at
> 1:00 pm EST AGREEABLE
>
> June 1, 2011:
>
> Elaine Price - TBD (West VA) at 1:00 p.m. EST. WE WILL CHECK ON
> THIS DATE AND GET BACK WITH YOU
>
> June 3, 2011:
>
> Tentative Mediation Date AGREEABLE. NEED TO HAVE MEDIATION IN OUR
> FIRM's DC OFFICE
>
> June 6, 2011:
>
> Amy Fleitas - GMAC (Waterloo, IA) at 1:00 p.m. EST AGREEABLE
>
> Lynn Manning - GMAC (Waterloo, IA) at 3:00 p.m. EST NOT AGREEABLE
>
> June 7, 2011:
>
> Nancy Durey - Troutman Sanders (VA Beach) at 1:00 p.m. EST NOT
> AGREEABLE
>
> Joseph Yamall - Troutman Sanders (VA Beach) at 3:00 p.m. EST NOT
> AGREEABLE
>
> Contact me if you have any questions.
>
> Thanks.
>
> John
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> <image001.jpg>
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> From: John C. Bazaz [mailto:jbazaz@bazazlaw.com]
> Sent: Tuesday, May 03, 2011 10:39 PM
> To: 'Ostroff, Ethan G.'; 'Leonard Bennett'; 'Lynch, John C.'
> Cc: 'Brian N. Casey'; 'Flowers, Elizabeth S.'; 'Matt Erausquin';

> 'Vicki Ward'
> Subject: RE: Wilkes v. Experian et al. - Ms. Wilkes' Answers to
> GMAC's Discovery Requests
>
> Here are the remaining documents.
>
> <image001.jpg>
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>
> From: John C. Bazaz [mailto:jbazaz@bazazlaw.com]
> Sent: Tuesday, May 03, 2011 10:36 PM
> To: 'Ostroff, Ethan G.'; 'Leonard Bennett'; 'Lynch, John C.'
> Cc: 'Brian N. Casey'; 'Flowers, Elizabeth S.'; 'Matt Erausquin';
> 'Vicki Ward'
> Subject: Wilkes v. Experian et al. - Ms. Wilkes' Answers to GMAC's
> Discovery Requests
>
> Colleagues:
>
> Please find and review Ms. Wilkes' Answers to GMAC's Interrogatories
> and Ms. Wilkes' Response to GMAC's Request for Production of
> Documents.
>
> The responsive documents have been attached to this email and
> another email to follow. There are a total of ten attachments
> including the interrogatory pleading and the RPD pleading.
>
> Also, please see the documents that have already been produced to
> America Funding. The bates numbering on these documents coincide
> with the documents already produced to America Funding.
>
> Contact me if you have any questions or concerns.
>
> Very truly yours,
>
> John
>
> <image001.jpg>
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> IRS Circular 230 disclosure: To ensure compliance with requirements
> imposed by the IRS, we inform you that any tax advice that may be
> contained in this communication (including any attachments) is not
> intended or written to be used, and cannot be used, for the purpose
> of (i) avoiding any penalties under the Internal Revenue Code or
> (ii) promoting, marketing or recommending to another party any
> transaction(s) or tax-related matter(s) that may be addressed herein.

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> strictly prohibited.

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> <2011-5-10 - Notice of 30(b)(1) Deposition to AMY
> FLEITAS.pdf><2011-5-10 - SDT to Experian.pdf><2011-5-10 - SDT to
> Trans Union, LLC.pdf><2011-5-10 - Witness Subpoena to Experian and
> Notice of Deposition.pdf><2011-5-10 - Witness Subpoena to Trans
> Union and Notice of Deposition.pdf>

>

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